

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Application of)	
)	
BRONX COMMUNICATIONS)	FCC File No. 0000499276
)	
For Private Land Mobile Radio Station)	

ORDER

Adopted: December 3, 2002**Released: December 5, 2002**

By the Deputy Chief, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. On June 26, 2001, Ralph Addington d/b/a Arcom Communications (Arcom), filed a "Petition to Deny (Informal Request)"¹ against the above-captioned application of Bronx Communications.² For the reasons discussed below, we deny Arcom's Petition.

2. On June 22, 2001, Bronx Communications filed an application for a new private land mobile radio station in the United States Virgin Islands (USVI).³ On June 26, 2001, Arcom filed its Petition with the Commission seeking denial of Bronx Communications's application based on allegations that Hughroy Thomas, the owner of Bronx Communications, was selling radio equipment in the USVI in violation of several Commission rules.⁴ In its Petition, Arcom asserts that Mr. Thomas, both directly and through Bronx Communications, has been involved in the widespread sale of unauthorized radio equipment to customers in the USVI, including agencies of the USVI Government.⁵ According to the Petition, the USVI Government sought assistance from the Commission's Enforcement Bureau in this matter.⁶

¹ Private land mobile radio applications are not subject to the formal procedures associated with petitions to deny as set forth in Section 1.939 of the Commission's Rules, 47 C.F.R. § 1.939. Rather, objections to such applications are governed by the Commission's informal request rules set forth in Section 1.41, 47 C.F.R. § 1.41. *See, e.g.,* Landlinx Communications, *Second Order on Reconsideration*, 15 FCC Rcd 24932, 24933 ¶ 4 (WTB PSPWD 2000).

² Petition to Deny (Informal Request) filed by Ralph Addington d/b/a/ Arcom Communications (filed June 26, 2001) (Petition).

³ FCC File No. 0000499276.

⁴ Petition at 1. Arcom cross-references in the Petition an attached, separate petition to deny it had earlier filed against an application from VI Mobile Communication, another licensee controlled by Hughroy Thomas, for renewal of the license for Station WNF347 (File No. 000457861). Although both pleadings seek denial of the application based on the same allegations, *i.e.,* the alleged sale of illegal radios in the USVI by Hughroy Thomas, the petition to deny the renewal application is more detailed. That petition was denied by the Policy and Rules Branch of the Wireless Telecommunications Bureau's Commercial Wireless Division in an order released on November 4, 2002. *See* VI Mobile Communication, *Order*, DA 02-2983 (WTB CWD PRB rel. Nov. 4, 2002).

⁵ Petition at 2.

⁶ *Id.* at 1. Arcom includes in the Petition a letter dated May 18, 2001, from the USVI Government Department of Property and Procurement to the Commission's Enforcement Bureau stating that the Department had become aware (continued....)

3. We deny Arcom's Petition because it does not raise substantial or material questions of fact with respect to Bronx Communications's application. According to the Enforcement Bureau, Mr. Thomas brought the matter of the sale of unauthorized radio equipment to the Bureau's attention before Arcom filed its Petition and promptly took corrective action. After examining these facts and the evidence in this matter, the Enforcement Bureau decided that no enforcement action is warranted under the specific circumstances of this case. Consistent with the Enforcement Bureau's decision that no enforcement action is warranted under the specific circumstances of this case, we find that Thomas' voluntarily admitted violations are not grounds for denial of the captioned Bronx Communications application because the allegations contained in Arcom's Petition, even if true, do not raise a substantial or material question of fact warranting designation of the application for hearing. We therefore deny Arcom's Petition⁷ and refer the captioned Bronx Communications application to the Public Safety and Private Wireless Division's Licensing and Technical Analysis Branch for further processing in accordance with Commission rules.

4. Accordingly, IT IS ORDERED that pursuant to Sections 5(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Sections 0.331 and 1.41 of the Commission's Rules, 47 C.F.R. §§ 0.331, 1.41, the Petition to Deny (Informal Objection) filed by Ralph Addington d/b/a Arcom Communications on June 26, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Policy and Rules Branch
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

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that various USVI Government agencies were purchasing two-way radios that did not comply with FCC rules from certain marketing entities. The Property and Procurement Department specifically asked the Enforcement Bureau to investigate the problem. Petitioner's Exhibit 4 (Letter, dated May 18, 2002, from Herbert Schoenbohm, Acting Director, Central Stores Division, Department of Property and Procurement, Government of the Virgin Islands of the United States, to Joseph Casey, Chief, Technical and Safety Division, Wireless Telecommunications Bureau [sic], Federal Communications Commission).

⁷ Arcom also argues that the Commission should initiate an inquiry into this matter pursuant to Sections 403 and 308(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 403, 308(b). Petition at 3. We decline to initiate such an investigation for the same reasons we deny the Petition in other respects.